

[Doc. Nos. 212, 228]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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RICHARD A. ROWE, et al.,

Plaintiffs,

v.

E.I. DUPONT DE NEMOURS AND  
COMPANY,

Defendant.

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Civil No. 06-1810-RMB-AMD

**ORDER**

This matter having come before the Court by way of motion [Doc. No. 212] of Rowe Plaintiffs to compel Defendant, E.I. duPont de Nemours and Company (hereinafter, "DuPont"), to produce all documents and electronically stored information in its possession and control that are responsive to the subpoena served on URS Diamond Company; and by way of motion [Doc. No. 228] of Plaintiffs to strike the "Supplemental Memorandum in Opposition to Plaintiffs' Motion to Compel" [Doc. No. 227]; and the Court having conducted a telephone status conference on the record on October 21, 2008 in this matter and in Scott v. E.I. duPont de Nemours & Co., Civil No. 06-3080, at which time J. Steven Justice, Esquire, Michael G. Sinkevich, Jr., Esquire, and Larry Winter, Esquire appeared on behalf of Rowe Plaintiffs; Joseph A. Osefchen, Esquire appeared on behalf of Scott Plaintiff; Roy Alan Cohen, Esquire and Libretta P. Stennes, Esquire appeared on behalf of DuPont in both actions; and

Elizabeth Sher, Esquire appeared for part of the conference on behalf of third-party New Jersey American Water Company; and for the reasons set forth on the record on October 21, 2008; and for good cause shown:

IT IS on this 24th day of October 2008,

**ORDERED** that New Jersey American Water Company is granted leave to submit supplemental documentation in connection with Rowe Plaintiffs' pending motion [Doc. No. 182] regarding the propriety of a document having been labeled "Confidential" by New Jersey American Water Company. Such supplementation shall be submitted by no later than **November 4, 2008**. Rowe Plaintiffs may provide a response to the submission of the New Jersey American Water Company, if any, by no later than **November 12, 2008**. Any further reply by New Jersey American Water Company or any response by DuPont shall be submitted by no later than **November 19, 2008**. Any papers submitted in connection with this motion shall address the sealing of the document that is the subject of the motion under the factors set forth in Rule 5.3(c)(2) of the Local Civil Rules for the District of New Jersey; and it is further

**ORDERED** that Rowe Plaintiffs' motion [Doc. No. 212] to compel DuPont to produce all documents and electronically stored information (hereinafter, "ESI") in its possession and control that are responsive to the subpoena served on URS Diamond Company shall be, and is hereby, **GRANTED** in part, **DENIED** in part, and **DENIED WITHOUT PREJUDICE** in part; and it is further

**ORDERED** that Rowe Plaintiffs' motion [Doc. No. 212] is granted to the extent they seek to require DuPont to produce in accordance with the search protocol set forth in the Order dated October 16, 2007 the electronic documents and emails of the eight URS Diamond employees (other than Mr. Aucoin and Mr. Boettler) identified as having worked for or with DuPont on PFOA issues. DuPont shall produce such ESI as set forth on the record no later than **December 22, 2008**; and it is further

**ORDERED** that Rowe Plaintiffs' motion [Doc. No. 212] is denied to the extent they seek to require DuPont to update production of Mr. Aucoin's and Mr. Boettler's ESI; and it is further

**ORDERED** that Rowe Plaintiffs' motion [Doc. No. 212] is denied without prejudice to the extent they seek sanctions against DuPont; and it is further

**ORDERED** that Rowe Plaintiffs' motion [Doc. No. 228] to strike the supplemental submission of DuPont shall be, and is hereby, **DENIED**; and it is further

**ORDERED** that any party that seeks to file a reply brief or a sur-reply brief in connection with a discovery motion shall be required to obtain by way of letter request leave of Court prior to filing any such submission in accordance with L. CIV. R. 7.1(d)(6) and L. CIV. R. 37.1(b)(3); and it is further

**ORDERED** that Rowe Plaintiffs' oral application to extend the time to submit expert reports shall be, and is hereby, **DENIED WITHOUT PREJUDICE**; and it is further

**ORDERED** that DuPont's oral application for costs incurred by DuPont in conducting the search protocol in accordance with this Order shall be, and is hereby, **DENIED**.

s/ Ann Marie Donio  
ANN MARIE DONIO  
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Renée Marie Bumb